



LATHAM & WATKINS LLP

MORRISON FÖRSTER

May 21, 2025

**VIA ECF**

Hon. Sidney H. Stein  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *In Re: OpenAI, Inc., Copyright Infringement Litigation*, No. 1:25-md-3143, This Document Relates To: *The New York Times Company v. Microsoft Corporation, et al.*, No. 1:23-cv-11195

Dear Judge Stein:

OpenAI respectfully requests an extension of the deadline to object to Magistrate Judge Wang's May 13, 2025 Order directing OpenAI "to preserve and segregate all output log data that would otherwise be deleted on a going forward basis until further order of the Court." *The New York Times Company v. Microsoft Corp., et al.*, 1:23-cv-11195, ECF 551 ("Order"). On May 16, 2025, Magistrate Judge Wang denied OpenAI's motion for reconsideration of that Order "without prejudice to renewal," and recognized that "OpenAI has already begun to take necessary steps to comply with the May 13 Preservation Order to preserve and segregate output log data for purposes of this litigation, notwithstanding the technological difficulties it may entail." ECF 559 at 1, 5.

Magistrate Judge Wang has scheduled a conference for May 27, 2025, related to the Order and underlying dispute, which is the same day objections to the Order pursuant to Federal Rule of Civil Procedure 72 are due. *Id.*; see also ECF 550. Magistrate Judge Wang has also "strongly encouraged" the parties to confer further and propose resolutions to this issue in their briefing for the upcoming hearing. ECF 559 at 5.

The May 27 conference will address the issues and arguments central to the Order. Magistrate Judge Wang has indicated that she may issue a "further order" and that OpenAI could renew its motion for reconsideration. Order; ECF 559 at 4-5. OpenAI believes it would be appropriate and a more efficient use of the Court's resources for any objection to the Order to be filed following the May 27 hearing and in light of any guidance Magistrate Judge Wang provides thereafter.

OpenAI therefore requests a brief extension of the Rule 72 deadline to follow the May 27 conference. Specifically, OpenAI requests that Your Honor extend the deadline for OpenAI's Rule 72 objection to the Order by 7 days, to June 3, 2025. This is OpenAI's first request for an extension of this deadline.

OpenAI requested Plaintiffs' position on its request for an extension, and Plaintiffs responded: "News Plaintiffs do not oppose the 7-day extension provided that OpenAI is in

compliance, and will remain in compliance, with Magistrate Judge Wang’s May 13 Order unless or until a stay or modification of the Order is obtained. News Plaintiffs will oppose a request to stay the Order.”

Respectfully submitted,

KEKER, VAN NEST  
& PETERS LLP

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/s/ Edward A. Bayley  
Edward A. Bayley\*

/s/ Elana Nightingale Dawson  
Elana Nightingale Dawson

/s/ Joseph C. Gratz  
Joseph C. Gratz\*

cc: All Counsel of Record (via ECF)

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\* All parties whose electronic signatures are included herein have consented to the filing of this document, as contemplated by Rule 8.5(b) of the Court’s ECF Rules and Instructions.